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7. Eminent Domain (§ 100*)—Compensation—Additional Servitude on Highway.—The location of an additional servitude on a highway cannot be imposed without compensation to the owner of the fee.

[Ed. Note.—For other cases, see Eminent Domain, Cent. Dig. §§ 256-264, 267; Dec. Dig. § 100.* 5 Va.-W. Va. Enc. Dig. 88.]

Error to Hustings Court of Richmond.

Condemnation proceeding by the city of Richmond against the heirs of W. H. Thompson. Decree awarding damages to defendants, and the city brings error. Affirmed.

H. R. Pollard, of Richmond, for plaintiff in error.

Alfred E. Cohen, of Richmond, for defendants in error.

BOARD OF SUP'RS OF HENRICO COUNTY et al. v. COMMONWEALTH ex rel. CITY OF PETERSBURG et al.

March 19, 1914.

[81 S. E. 112.]

1. Constitutional Law (§ 46*)—Determination of Constitutional Questions.—The court will not pass on the constitutionality of an act, if the case can be determined on other points.

[Ed. Note.—For other cases, see Constitutional Law, Cent. Dig. §§ 43-45; Dec. Dig. § 46.* 3 Va.-W. Va. Enc. Dig. 149.]

2. Statutes (§ 159*)—Repeal.—The law does not favor a repeal by implication, unless the repugnance be quite plain, and then only to the extent of such repugnancy.

[Ed. Note.—For other cases, see Statutes, Cent. Dig. § 229; Dec. Dig. § 159.* 12 Va.-W. Va. Enc. Dig. 779.]

3. Taxation (§ 365*)—Railroads—Assessment—Repeal of Statute.—Act March 13, 1912 (Laws 1912, c. 214), amending section 27 of the Revenue Law (Laws 1902-04, c. 148), regulating the assessment of rolling stock of railroads for local taxation, repeals, by implication, the provisions relating to that subject made by Act March 12, 1912 (Laws 1912, c. 139); the two acts being repugnant to each other.

[Ed. Note.—For other cases, see Taxation, Cent. Dig. §§ 608-611; Dec. Dig. § 365.* 12 Va.-W. Va. Enc. Dig. 779.]

Error to State Corporation Commission.

Proceedings before the State Corporation Commission by the Commonwealth on the relation of the City of Petersburg and others against the Board of Supervisors of Henrico County and others. From an order refusing to certify an assessment of rolling stock, the defendants bring error. Affirmed.

E. P. Buford, of Lawrenceville, *Randolph Harrison*, of

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

Lynchburg, and *Hill Carter* and *F. T. Sutton*, both of Richmond, for plaintiffs in error.

R. E. Byrd, of Richmond, *George Mason*, of Colonial Beach, and *S. Hamilton Graves*, of Roanoke, for defendants in error.

JACKSON *v.* COMMONWEALTH.

March 19, 1914.

[81 S. E. 192.]

1. Criminal Law (§ 531*)—Evidence—Confessions—Preliminary Proof.—On a trial for murder, evidence as to an alleged confession by accused held to show that it was induced by the hope, inspired by what the witness told him, that he would thereby escape the extreme penalty of the law.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. §§ 1212-1217; Dec. Dig. § 531.* 4 Va.-W. Va. Enc. Dig. 83.]

2. Criminal Law (§ 520*)—Evidence—Confessions—Voluntary Character.—Where a confession by a person charged with murder was induced by the hope that he would thereby escape the extreme penalty of the law, inspired by what he was told by a person who, though he held no public office, was active in the prosecution, and promised, if accused would confess, that he would see the judge and secure, or try to secure, some advantage to accused, the confession was not admissible.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. §§ 1166, 1175-1184; Dec. Dig. § 520.* 4 Va.-W. Va. Enc. Dig. 83.]

3. Criminal Law (§ 520*)—Evidence—Confession to "Person in Authority."—Within the rule excluding a confession obtained by some inducement in the nature of a threat or promise by a person in authority, or with the apparent sanction of such person, "persons in authority" are those engaged or concerned in the apprehension, prosecution, or examination of accused.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. §§ 1166, 1175-1184; Dec. Dig. § 520.* 4 Va.-W. Va. Enc. Dig. 83.]

4. Criminal Law (§ 520*)—Evidence—Confessions—Voluntary Character.—An alleged confession, induced by the hope of the gain of some advantage or to avoid some evil in reference to the proceeding against the declarant, is inadmissible.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. §§ 1166, 1175-1184; Dec. Dig. § 520.* 4 Va.-W. Va. Enc. Dig. 83.]

Error to Circuit Court, Sussex County.

Emanuel Jackson was convicted of murder, and he brings error. Reversed and remanded.

Armistead & Burt, of Williamsburg, for plaintiff in error.

The Attorney General, for the Commonwealth.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes